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## Public Health (COVID-19 General) Order 2021

under the

Public Health Act 2010

### Part 1 Preliminary

#### Division 1 Introduction

##### 1.1 Name of Order

This Order is the *Public Health (COVID-19 General) Order 2021*.

##### 1.2 Commencement

This Order commences at the beginning of 11 October 2021.

##### 1.3 Grounds for concluding that there is a risk to public health

The basis for concluding that a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by infection with the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) a number of cases of individuals with COVID-19 have been confirmed in New South Wales and other Australian jurisdictions, including by means of community transmission, and there is an ongoing risk of continuing introduction or transmission of the virus in New South Wales,
- (d) there are available vaccines that substantially reduce the risk of infection, transmission, severe illness and death resulting from SARS-CoV-2,
- (e) the proportion of the total population in New South Wales that remains unvaccinated is significant enough to represent a substantial risk and burden from infection and transmission of SARS-CoV-2 in the community,
- (f) in particular the risk and burden is from and among people who remain unvaccinated because these people are more likely to be infected, more at risk of severe illness and death resulting from infection with SARS-CoV-2, and more likely to transmit the infection to others, than fully vaccinated people.

#### Division 2 Interpretation

##### 1.4 Definitions

- (1) The Dictionary in Schedule 6 defines words used in this Order.  
**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.
- (2) Notes included in this Order do not form part of this Order.

### 1.5 Meaning of references to types of premises

A reference to a type of premises in this Order has the same meaning as it has in the instrument (the *standard instrument*) set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 1.6 Coastal waters taken to be part of local government areas

For the purposes of this Order, the coastal waters of the State are taken to form part of the local government area to which the particular waters are closest.

### 1.7 Calculation of spaces available for persons

- (1) An excluded person is not to be counted for the purposes of calculating—
  - (a) the space available for persons on the premises, or
  - (b) the number of persons on the premises.
- (2) An area that is not open to the public is not to be counted for the purposes of calculating the space available for persons on premises.
- (3) In this clause—

*excluded person* means—

- (a) a person engaged in work on the premises for the occupier of the premises, except for work at—
  - (i) a construction site,
  - (ii) industrial premises,
  - (iii) office premises,
  - (iv) a warehouse or distribution centre.
- (b) a person on the premises because of an emergency, or
- (c) for food and drink premises—a person ordering or collecting food or drink to consume off the premises.

*industrial activity* has the same meaning as in the standard instrument but does not include storage or transportation associated with an industrial activity.

*industrial premises* means premises used for—

- (a) an industrial activity, or
- (b) the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes.

*office premises* means premises used for the purpose of administrative, clerical, technical, professional or similar activities if the activities do not involve the provision of goods or services in person to members of the public at the building or place on a regular basis.

## Division 3 Stay at home notices

### 1.8 Stay at home notices published by Chief Health Officer

- (1) The Chief Health Officer may, by notice published on the website of NSW Health (a *stay at home notice*), identify an area of the State as a stay at home area.
- (2) A stay at home notice may specify dates in relation to an identified area for the purposes of clause 3.2(9), definition of *relevant date*, paragraph (a)(ii) and (b)(ii).
- (3) Dates mentioned in subclause (2) may be altered by the Chief Health Officer by a subsequent stay at home notice.

## Part 2 Directions applying to general area

### Division 1 Preliminary

#### 2.1 Introduction

- (1) This Part sets out directions of the Minister that apply to the area identified as the general area.
- (2) (Repealed)

### Division 2 Closure of premises

#### 2.2 Premises that must not be open

The following premises in the general area must not be open to the public—

- (a) amusement centres,
- (b) business premises that are play centres,
- (c), (d) (Repealed)
- (e) sex on premises venues,
- (f) (Repealed)
- (g) public swimming pools in indoor areas, except to conduct swimming classes, lap swimming, squad training or rehabilitation activities.

### Division 3 Maximum number of persons permitted on premises

#### Subdivision 1 Premises generally

#### 2.3 Maximum number of persons—generally

- (1) An occupier of premises in the general area must not allow more persons on the premises than the number of persons equal to—
  - (a) for the parts of the premises that are indoor areas—1 person per 4 square metres of space, and
  - (b) for the parts of the premises that are outdoor areas—1 person per 2 square metres of space.
- (2) This clause does not apply to the following—
  - (a) a place of residence, holiday home or a short-term rental,  
**Note—** See Subdivision 2.
  - (b) an entertainment facility or a recreation facility (major),  
**Note—** See clause 2.7.
  - (c) (Repealed)
  - (d) a vessel with less than 50 persons on board—
    - (i) being used commercially for scuba diving, snorkelling or marine animal watching, or
    - (ii) where all the persons are from the same household,
  - (e) a caravan park or camping ground,
  - (f) a gathering referred to in Schedule 3.



## **Subdivision 2 Places of residence**

### **2.4 Maximum number of persons—places of residence**

- (1) If the place of residence of a household is in the general area and no member of the household is an unvaccinated adult, each member of the household who is over 18 years of age must not allow—
  - (a) a visitor who is an unvaccinated adult to be at the place of residence, or
  - (b) more than 20 visitors to be at the place of residence at any 1 time.
- (2) If the place of residence of a household is in the general area and a member of the household is an unvaccinated adult, each member of the household who is over 18 years of age must not allow a visitor to be at the place of residence.
- (3) A visitor must not be at a place of residence in the general area if—
  - (a) the person is an unvaccinated adult, or
  - (b) a member of the household of the place of residence is an unvaccinated adult, or
  - (c) another visitor at the place of residence is an unvaccinated adult, or
  - (d) there are more than 19 other visitors at the place of residence.
- (4) A member of the household is not a visitor.
- (5) A person who is 12 years of age or under is not to be counted as a visitor.
- (6) This clause does not apply to a person who is authorised to be at the place of residence under clause 2.6.

### **2.5 Maximum number of persons—holiday homes or short-term rentals**

The occupier of premises in the general area must not allow the premises to be used for the purpose of a holiday home or a short-term rental by persons unless—

- (a) all the persons staying at the premises are from the same household, or
- (b) if the persons staying at the premises are not from the same household—
  - (i) there are no more than 20 persons staying at the premises, and
  - (ii) none of the persons is an unvaccinated adult.

**Note—** For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence and the person must comply with clause 2.4.

### **2.6 Persons authorised to be at place of residence**

A person is authorised to be at the place of residence for any of the following purposes—

- (a) to carry out work,
- (b) to assist a person moving to or from the place of residence,
- (c) for childcare,
- (d) for carer's responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons,
- (e) for family contact arrangements,
- (f) because of an emergency or to avoid an injury, illness or risk of harm,
- (g) to inspect the place of residence for sale or lease or to participate in an auction of the place of residence.

### **Subdivision 3 Other premises**

#### **2.7 Maximum number of persons—entertainment facilities or recreation facilities (major)**

- (1) The occupier of premises in the general area that is an entertainment facility must not allow more persons on the premises than the number of persons equal to—
  - (a) 75% of the fixed seating capacity of the premises, or
  - (b) 1 person per 4 square metres of space in the premises.
- (2) The occupier of premises in the general area that is a recreation facility (major) must not allow more persons on the premises than the number of persons equal to the lesser of the following—
  - (a) 1 person per 4 square metres of space in the premises,
  - (b) 5,000 persons.
- (3) Subclause (1)(a) may be relied on by an occupier only at times when—
  - (a) admission to the premises is by way of a ticket, and
  - (b) all persons on the premises, other than persons engaged in work, are assigned to specific seats.
- (4) In this clause—  
*recreation facility (major)* includes premises that is a zoo or an aquarium.

#### **2.8 (Repealed)**

#### **2.9 Maximum number of persons—group classes and activities at recreation facilities (indoor)**

- (1) The occupier of a gym in the general area must not allow more than 20 persons to attend a group class at the gym.
- (2) The occupier of a recreation facility (indoor) in the general area must not allow more than 20 persons to attend a group dance class at the facility.

#### **2.10 Hospitality venues—no large bookings**

The occupier of a hospitality venue in the general area must not permit a booking to be made for a group of more than 20 persons to attend the venue unless the booking is for a significant event that is authorised to be held at the venue.

### **Subdivision 4 Events and vehicles**

#### **2.11 (Repealed)**

#### **2.12 Maximum number of persons—certain outdoor events**

- (1) The maximum number of persons permitted at the following outdoor events in the general area are—
  - (a) for a controlled outdoor public gathering—3,000 persons,
  - (b) for a COVID-19 safe outdoor public gathering—200 persons,
  - (c) for any other outdoor public gathering—50 persons.
- (2) This clause applies in addition to the restrictions imposed in relation to the premises at which the event is held by the other provisions of this Part.

**Example—** A controlled outdoor public gathering at premises is still subject to the requirement that the number of persons should not be more than the number of persons permitted under clause 2.3.

- (3) The person principally responsible for organising an event that is a controlled outdoor public gathering or COVID-19 safe outdoor public gathering must take reasonable steps to ensure that—
  - (a) an unvaccinated adult does not attend the event, or
  - (b) more persons do not attend the event than the maximum number of persons permitted by this Division.
- (4) A person must not attend an event referred to in subclause (1)(a)–(c) if—
  - (a) the person is an unvaccinated adult, or
  - (b) there are more persons at the event than the maximum number of persons permitted by this Part.
- (5) This clause does not apply to the following—
  - (a) a person who is carrying out work,
  - (b) a gathering to carry out work,
  - (c) a gathering referred to in Schedule 3 or a gathering at the following that is part of its normal operation—
    - (i) an office building,
    - (ii) a factory,
    - (iii) a warehouse,
    - (iv) a construction site,
  - (d) a gathering on premises for which the occupier of the premises is directed to develop a COVID-19 Safety Plan,
  - (e) a gathering because of an emergency,
  - (f) a gathering of persons from the same household,
  - (g) a gathering for a significant event,
  - (h) a gathering of 2 persons.

**2.13 (Repealed)**

**2.14 Maximum number of persons—vehicles and vessels**

- (1) A person who is an unvaccinated adult must not be in a vehicle or vessel in the general area with another person other than a member of the person's household.
- (2) (Repealed)
- (3) This clause does not apply to a vehicle or vessel being used for the following purposes—
  - (a) to carry out work,  
**Example—** A police vehicle.
  - (b) to provide a public transport service,
  - (c) to provide care or assistance to a vulnerable person,
  - (d) in an emergency,
  - (e) for compassionate reasons.

**Division 4 Fitted face coverings**

**2.15 Fitted face coverings**

- (1) A person in the general area who is over 12 years of age must wear a fitted face covering while the person is—

- (a) in an indoor area of premises other than a place of residence, or
- (b) in an indoor area on common property for residential premises, or
- (c) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
- (d) working at a hospitality venue and dealing directly with members of the public, or
- (e) on a domestic commercial aircraft, including when the aircraft is flying above the general area.

**Note—** The same requirement applies in stay at home areas, so a person must wear a fitted face covering whenever the person is on a domestic commercial aircraft in or above New South Wales.

- (2) The operator of a hospitality venue in the general area must ensure all persons working at the venue comply with subclause (1)(d).
- (3) The following persons must ensure that a worker who carries out work at an airport in the general area complies with this Division when working at the airport—
  - (a) a person who employs the worker to carry out the work,
  - (b) a person who engages the worker to carry out the work as a contractor or subcontractor.
- (4) The fitted face covering must be worn so that it covers the person's nose and mouth.

#### **2.16 Exception for certain persons having illness, condition or disability**

- (1) A person is not required to wear a fitted face covering if the person—
  - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable, and
  - (b) carries evidence showing—
    - (i) that the person has the illness, condition or disability, and
    - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable, and
    - (iii) the person's name and place of residence, and
  - (c) produces the evidence for inspection if requested to do so by a police officer.
- (2) Evidence for the purposes of subclause (1)(b)(i) and (ii) must be in the form of—
  - (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider, or
  - (b) a statutory declaration by the person.

#### **2.17 Other exceptions**

- (1) A person may remove a fitted face covering the person is otherwise required to wear if the person is—
  - (a) eating or drinking, or
  - (b) engaging in physical exercise except in an indoor area as part of a gym class or dance class, or
  - (c) communicating with a person who is deaf or hard of hearing, or
  - (d) engaging in work if—
    - (i) wearing the covering is a risk to the person's, or another person's, health and safety, or
    - (ii) enunciation or visibility of the person's mouth is essential, or

- (iii) the work is in an indoor area and no other person is in the area, or
  - (iv) (Repealed)
  - (e) requested to remove the covering as part of an identity check, or
  - (f) required to remove the covering—
    - (i) because of an emergency, or
    - (ii) for the proper provision of goods or a service, or
  - (g) in a vehicle and no other person is in the vehicle other than—
    - (i) a member of the person's household, or
    - (ii) the person's nominated visitor, or
  - (h) in a hotel, motel or other accommodation facility as a guest and is in the person's own room, or
    - (i) in a school as a student, or
    - (j) in a public hospital or private health facility as a patient, or
    - (k) in a residential aged care facility as a resident, or
    - (l) in a correctional centre or other place of custody, or
  - (m) in the process of getting married, or
  - (n) in an office building if the person is a fully vaccinated person, but not a part of the building that is—
    - (i) a retail premises, or
    - (ii) a hospitality venue, or
    - (iii) a recreation facility (indoor).
- (2) A person who removes the person's fitted face covering under this clause must resume wearing it as soon as practicable after the circumstance ends.

## **Division 5 Unvaccinated adults—additional restrictions**

### **2.18 Premises closed to unvaccinated adults**

- (1) The occupier of the following premises in the general area must take reasonable steps to ensure that an unvaccinated adult is not on the premises—
- (a) higher risk premises,
  - (b) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
  - (c) recreation facilities (indoors),
  - (d) public swimming pools,
  - (e) information and education facilities,
  - (f) retail premises, but not critical retail premises,
  - (g) business premises that are auction houses,
  - (h) business premises that are betting agencies,
  - (i) gaming lounges,
  - (j) markets that do not predominantly sell food,
  - (k) properties operated by—
    - (i) the National Trust, or
    - (ii) the Historic Houses Trust.

- (2) An unvaccinated adult must not be on premises referred to in subclause (1) in the general area.
- (3) The occupier of higher risk premises in the general area must ensure that a person who is under 16 years of age and who is not a fully vaccinated person is not on the premises unless the person is—
  - (a) on the premises to carry out work, or
  - (b) accompanied by a person who is—
    - (i) a member of the person’s household, and
    - (ii) a fully vaccinated person.
- (4) This clause does not apply to a person who is on the premises for the following purposes—
  - (a) because of a service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless persons,
  - (b) to purchase food or beverages to be consumed off the premises,
  - (c) to attend a small funeral or memorial service or small wedding service,
  - (d) to use a click and collect service,
  - (e) to provide an emergency service,
  - (f) because of—
    - (i) an auction for food supply, or
    - (ii) a livestock, fibre or crop auction.
- (4A) This clause also does not apply to a person who is on the premises if—
  - (a) the premises are outside Greater Sydney, and
  - (b) the person resides outside Greater Sydney, and
  - (c) the person has had only 1 dose of a COVID-19 vaccine, and
  - (d) the person is on the premises for the purposes of work.
- (4B) Subclause (4A) and this subclause are repealed at the beginning of 1 November 2021.
- (5) In this clause—

**higher risk premises** means the following—

  - (a) entertainment facilities,
  - (b) recreation facilities (major),
  - (c) hospitality venues,
  - (d) nightclubs,
  - (d1) sex services premises,
  - (d2) strip clubs,
  - (e) premises at which a significant event is being held, other than a small funeral or memorial service or small wedding service.

## **2.19 Must be seated when consuming alcohol**

- (1) The occupier of premises in the general area must not allow an unvaccinated adult to consume alcohol in a part of the premises that is an indoor area unless the unvaccinated adult is seated.
- (1A) The occupier of premises in the general area that are a nightclub or a strip club must not allow a person to consume alcohol in a part of the premises that is an indoor area unless the person is seated.

- (2) This clause does not apply to a place of residence.

**2.20 Must be seated when consuming food or drink at significant event**

The occupier of premises in the general area must not allow an unvaccinated adult to consume food or drink at a significant event held on the premises unless the unvaccinated adult is seated.

**2.20A Dancing indoors**

- (1) The occupier of premises in the general area must not allow an unvaccinated adult to dance in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
- (a) a place of residence,
  - (b) an educational establishment,
  - (c) a performer who is performing or rehearsing,
  - (d) a person who is instructing, or being instructed, in dancing,
  - (e) a wedding service or a gathering after a wedding service,
  - (f) a group class at a gym or a recreation facility (indoor).

**Division 6 Miscellaneous**

**2.21 Singing or dancing indoors**

- (1) The occupier of premises in the general area must not allow a person to sing in a part of the premises that is an indoor area.
- (1A) The occupier of premises in the general area that are a nightclub or a strip club must not allow a person to dance in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—
- (a) a place of residence,
  - (b) an educational establishment,
  - (c) subject to paragraph (c1), a performer who is performing or rehearsing,
  - (c1) a performer who is part of a choir at a place of worship or in a religious service, but only if—
    - (i) the performer is a fully vaccinated person, and
    - (ii) the choir consists of no more than 10 persons, and
    - (iii) all other members of the choir are fully vaccinated persons,
  - (d) a person who is instructing, or being instructed, in singing or dancing,
  - (e) a wedding service or a gathering after a wedding service.
  - (f) (Repealed)

**2.22 Must be seated when at entertainment facility**

The occupier of premises in the general area that is an entertainment facility must ensure all persons on the premises, other than persons engaged in work—

- (a) are assigned to specific seats, and
- (b) as far as is reasonably practicable, remain in the assigned seats at all times when on the premises.

### 2.23 Working from home

- (1) An employer must allow an employee who is a fully vaccinated person to work at the employee's place of residence if it is reasonably practicable to do so.
- (1A) An employer must allow an employee who resides outside Greater Sydney and has had only 1 dose of a COVID-19 vaccine to work at the employee's place of residence if it is reasonably practicable to do so.
- (2) An employer must require an employee who is not a fully vaccinated person to work at the employee's place of residence unless it is not reasonably practicable to do so.
- (3) An employee who is not a fully vaccinated person must not work at a place other than the employee's place of residence unless it is not reasonably practicable to work at the place of residence.
- (4) Subclause (1) does not apply to an employee to whom clause 3.19 applies.  
**Note—** This clause has effect subject to requirements imposed by clause 2.18 concerning vaccinations. For example, an unvaccinated adult who cannot reasonably work from home, but whose place of work is an entertainment facility, is not permitted to attend that place of work.
- (5) Subclauses (2) and (3) do not apply to an employee if—
  - (a) the person resides outside Greater Sydney, and
  - (b) the person has had only 1 dose of a COVID-19 vaccine.
- (6) Subclauses (1A) and (5) and this subclause are repealed at the beginning of 1 November 2021.



## Part 3 Directions applying to stay at home areas

**Editorial note**— On the making of this Order, this Part does not apply to any areas.

### Division 1 Preliminary

#### 3.1 Introduction

This Part sets out directions of the Minister that apply to an area identified as a stay at home area.

**Note**— An area becomes a stay at home area if the Chief Health Officer identifies the area as a stay at home area in a stay at home notice published on the website of NSW Health. See clause 1.8.

### Division 2 Staying at home

#### 3.2 Staying at home

- (1) A person who has been in a stay at home area since the relevant date must not be away from the person's place of residence, wherever located, without a reasonable excuse.
- (2) A reasonable excuse includes an activity specified for a stay at home area in Schedule 2.
- (3) Taking a holiday is not a reasonable excuse.
- (4) A person to whom this clause applies must, if requested to do so by a police officer, return to the person's place of residence as soon as is reasonably practicable.
- (5) A police officer may make the request under this clause if the police officer has a reasonable suspicion that the person is not complying with this clause.
- (6) This clause does not apply to—
  - (a) a person who has not been in the stay at home area during the previous 14 days, or
  - (b) a person who is homeless.
- (7) Subclause (1) does not apply to a person who has been in the stay at home area during the previous 14 days only because the person—
  - (a) was travelling through the area in a vehicle and did not leave the vehicle while in the area, or
  - (b) was travelling through the area by road by the most practicable direct route.
- (8) A requirement to travel by the most practicable direct route does not prevent the person from—
  - (a) obtaining supplies, including fuel, that is reasonably necessary for—
    - (i) the vehicle in which the person is travelling, or
    - (ii) a person in the vehicle, or
  - (b) reasonably stopping to rest or have a meal, or
  - (c) dealing with an emergency.
- (9) In this clause—

**relevant date** means—

  - (a) for a new stay at home area—
    - (i) the date on which the area became a stay at home area, or

- (ii) if a stay at home notice specifies an earlier date for the stay at home area—the earlier date, or
- (b) if an area becomes part of an existing stay at home area—
  - (i) the date on which the area became part of the stay at home area, or
  - (ii) if a stay at home notice specifies an earlier date for the area—the earlier date.

### **Division 3 Closure of premises**

#### **3.3 Premises that must not be open**

The following premises in a stay at home area must not be open to the public—

- (a) amusement centres,
- (b) business premises that are hairdressers, spas, nail salons, beauty salons, waxing salons, tanning salons, tattoo parlours or massage parlours,
- (c) business premises that are auction houses,
- (d) business premises that are betting agencies,
- (e) business premises that are play centres,
- (f) gaming lounges,
- (g) markets that do not predominantly sell food,
- (h) nightclubs,
- (i) properties operated by—
  - (i) the National Trust, or
  - (ii) the Historic Houses Trust,
- (j) sex services premises,
- (k) sex on premises venues,
- (l) strip clubs.

#### **3.4 Premises that must not be open except in limited circumstances**

- (1) The following premises in a stay at home area must not be open to the public except for a purpose specified in subclause (2)—
  - (a) entertainment facilities,
  - (b) food and drink premises, other than cafeterias in workplaces,
  - (c) information and education facilities,
  - (d) micro-breweries or small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* or cellar door premises,
  - (e) places of public worship,
  - (f) pubs, registered clubs and casinos,
  - (g) recreation facilities (indoor).
- (2) The premises may be open to the public for the following purposes only—
  - (a) to sell food or beverages for persons to consume—
    - (i) for premises that are part of a shopping centre—outside of the shopping centre, or
    - (ii) otherwise—off the premises,

- (b) if the premises are part of hotel or motel accommodation—to provide accommodation, including by providing food or beverages to persons using the accommodation to consume in their rooms,
- (c) to hold a small funeral or memorial service or small wedding service,
- (d) to provide educational services or childcare.

### 3.5 Retail premises

- (1) Retail premises, other than critical retail premises, in a stay at home area must not be open to members of the public.  
**Note**—Service stations, banks, post offices, laundromats and dry cleaners are not retail premises and can remain open. See Schedule 6, Dictionary.
- (2) This clause does not prevent retail premises being open to—
  - (a) provide a click and collect service, or
  - (b) deliver goods purchased online or by phone.

### 3.6 Caravan parks and camping grounds

- (1) Premises in a stay at home area that are caravan parks or camping grounds must not be open to the public except to—
  - (a) provide accommodation to the following—
    - (i) permanent residents of the premises,
    - (ii) overnight travellers,
    - (iii) persons working in the local area,
    - (iv) persons who have no permanent place of residence, and
  - (b) allow persons to visit a person who is staying in accommodation on the premises.
- (2) This clause does not apply to prevent a person staying in accommodation on the premises if the person—
  - (a) was staying on the premises before the relevant date, and
  - (b) is still staying there under a booking made before the relevant date that has not been extended after that date.
- (3) In this clause—  
**relevant date** for premises means the date on which the stay at home area in which the premises are located became a stay at home area.

### 3.7 Exception—services for vulnerable persons and early education and care

Nothing in this Division prevents premises in a stay at home area being open—

- (a) to provide a service to assist vulnerable members of the public, for example a food bank or a service providing for the needs of homeless persons, or
- (b) as an early education and care facility.

## Division 4 Maximum number of persons permitted on premises

### Subdivision 1 Premises generally

#### 3.8 Maximum number of persons—generally

- (1) An occupier of premises in a stay at home area must not allow more persons on the premises than the number of persons equal to 1 person per 4 square metres of space in the premises.

- (2) This clause does not apply to the following—
- (a) a place of residence, holiday home or a short-term rental,  
**Note—** See Subdivision 2.
  - (b) a vessel with less than 50 persons on board being used commercially for scuba diving, snorkelling or marine animal watching,
  - (c) a caravan park or camping ground,
  - (d) a gathering referred to in Schedule 3.

## Subdivision 2 Places of residence

### 3.9 Maximum number of persons—holiday homes or short-term rentals

The occupier of premises in a stay at home area must not allow the premises to be used for the purpose of a holiday home or a short-term rental for persons unless all of the persons are from the same household.

**Note—** For a person staying in temporary accommodation, the temporary accommodation is taken to be the person's place of residence and the person must comply with clause 3.10.

### 3.10 Maximum number of persons—places of residence

- (1) If the place of residence of a household is in a stay at home area, each member of the household who is over 18 years of age must not allow a person to visit the place of residence unless the person is authorised by this Subdivision.
- (2) A person must not visit a place of residence in a stay at home area unless the person is authorised by this Subdivision.
- (3) A member of the household does not visit the place of residence.

### 3.11 Workers authorised to visit place of residence

- (1) A worker is authorised to visit a place of residence in a stay at home area to carry out work other than prescribed work.
- (2) A worker is authorised to visit a place of residence in a stay at home area to carry out prescribed work if—
  - (a) the prescribed work is necessary, or
  - (b) the prescribed work is carried out in an outdoor area of the place of residence, or
  - (c) for prescribed work carried out in an indoor area of the place of residence, other than necessary work—
    - (i) no more than 2 workers are in an indoor area in the place of residence at any 1 time, and
    - (ii) no person, other than another worker, is in the same room as the worker when the worker is carrying out the prescribed work.
- (3) Prescribed work is *necessary* if—
  - (a) the work is urgently required to be carried out—
    - (i) to ensure the health, safety or security of the place of residence or persons residing at the place of residence, or
    - (ii) because of an emergency, or
  - (b) the work is for—
    - (i) the installation, maintenance or repair of an essential utility including a water, gas, electricity, internet, television or telecommunications service, or

- (ii) fire protection and safety, or
- (c) for prescribed work that is cleaning or repairs and maintenance—the work is carried out—
  - (i) at a place of residence that is unoccupied when the work is being carried out, and
  - (ii) because it is necessary for the sale or lease of the place of residence.

### **3.12 Other persons authorised to visit place of residence**

- (1) A person is authorised to visit a place of residence in a stay at home area for any of the following purposes—
  - (a) to assist a person moving to or from the place of residence,
  - (b) for childcare,
  - (c) for family contact arrangements,
  - (d) because of an emergency or to avoid an injury, illness or risk of harm,
  - (e) to inspect the place of residence for sale or lease or to participate in an auction of the place of residence.
- (2) A person is authorised to visit a place of residence in a stay at home area for any of the following purposes—
  - (a) for carer’s responsibilities, to provide care or assistance to a vulnerable person or for compassionate reasons,
  - (b) if only 1 person who is over 18 years of age resides in the place of residence—as the person’s nominated visitor.
- (3) A person who is an individual is eligible to be a nominated visitor for a person if—
  - (a) either of the following applies—
    - (i) no other individual has been a nominated visitor for the person,
    - (ii) the nominated visitor of the person becomes unable to be the person’s nominated visitor, and
  - (b) the individual has not been a nominated visitor for another person, and
  - (c) the individual resides in—
    - (i) the stay at home area, or
    - (ii) for a stay at home area in Greater Sydney—Greater Sydney, and
  - (d) the individual is fully vaccinated.
- (4) No more than 1 person may visit the place of residence under subclause (2) at any 1 time except as follows—
  - (a) 2 persons may visit for carer’s responsibilities or to provide care or assistance to a vulnerable person if 2 persons are required for care or assistance to be provided safely,
  - (b) a dependant of a person referred to in subclause (2) is authorised to accompany the person on the visit to the place of residence if—
    - (i) the dependant is under 18 years of age, and
    - (ii) the dependent needs to be supervised by a person over 18 years of age, and
    - (iii) alternative childcare arrangements are not reasonably available.

### **3.13 Social bubble at place of residence—persons 18 years of age or under**

- (1) A person who is 18 years of age or under is authorised to visit a place of residence in a stay at home area if—
  - (a) the person does so for the purposes of recreation or study with a person who resides at the place of residence, and
  - (b) all persons participating in the recreation or study are—
    - (i) members of the same nominated social bubble, and
    - (ii) 18 years of age or under, and
  - (c) no more than 3 persons, including the person, participate in the recreation or study.
- (2) Up to 3 persons may form a nominated social bubble if each member of the bubble—
  - (a) is 18 years of age or under, and
  - (b) lives in the same local government area or within 5 kilometres of each other member of the bubble, and
  - (c) lives in a household where each person who is over 18 years of age is a fully vaccinated person, and
  - (d) is not a member of another nominated social bubble.

## **Subdivision 3 Outdoor gatherings and vehicles**

### **3.14 Maximum number of persons—outdoor public gatherings**

- (1) A person must not participate in an outdoor public gathering in a stay at home area of more than—
  - (a) if all persons participating in the gathering who are over 16 years of age are fully vaccinated—5 persons, not including persons who are 12 years of age and under, or
  - (b) otherwise—2 persons.
- (2) This clause does not apply to—
  - (a) a person who is—
    - (i) carrying out work, or
    - (ii) providing care or assistance to vulnerable persons, or
  - (b) the following gatherings—
    - (i) a gathering referred to in Schedule 3,
    - (ii) a gathering of persons who are all members of the same household,
    - (iii) a gathering to provide emergency assistance to a person,
    - (iv) a gathering necessary to allow a person to fulfil a legal obligation,
    - (v) a gathering to move—
      - (A) a person to a new place of residence, or
      - (B) a business to new premises,
    - (vi) a gathering for a small funeral or memorial service or small wedding service.

### **3.15 Maximum number of persons—vehicles**

- (1) A person must not be in a vehicle in a stay at home area with another person other than—
  - (a) a member of the person's household, or

- (b) the person's nominated visitor.
- (2) A person who is over 16 years of age and who is in a vehicle in a stay at home area with another person must—
  - (a) carry evidence showing the person's name and place of residence, and
  - (b) produce the evidence for inspection if requested to do so by a police officer.
- (3) This clause does not apply to a vehicle being used for the following purposes—
  - (a) to carry out work,  
**Example—** A police vehicle.
  - (b) to provide a public transport service,
  - (c) to provide care or assistance to a vulnerable person,
  - (d) in an emergency,
  - (e) for compassionate reasons.

## **Division 5 Fitted face coverings**

### **3.16 Fitted face coverings**

- (1) A person who is in a stay at home area and is over 12 years of age must carry a fitted face covering unless the person is in the person's place of residence.
- (2) A person in a stay at home area who is over 12 years of age must wear a fitted face covering while the person is—
  - (a) in an indoor area or outdoor area other than a place of residence, or
  - (b) in an indoor area on common property for residential premises, or
  - (c) at a public transport waiting area or in a vehicle or vessel being used to provide a public transport service, or
  - (d) on a domestic commercial aircraft, including when the aircraft is flying above a stay at home area.  
**Note—** The same requirement applies in the general area, so a person must wear a fitted face covering whenever the person is on a domestic commercial aircraft in or above New South Wales.
- (3) The operator of a hospitality venue in a stay at home area must ensure all persons working at the venue comply with this clause.
- (4) The following persons must ensure that a worker who carries out work at an airport in a stay at home area complies with this Division when working at the airport—
  - (a) a person who employs the worker to carry out the work,
  - (b) a person who engages the worker to carry out the work as a contractor or subcontractor.
- (5) The fitted face covering must be worn so that it covers the person's nose and mouth.

### **3.17 Exception for certain persons having illness, condition or disability**

- (1) A person is not required to carry or wear a fitted face covering if the person—
  - (a) has a physical or mental health illness or condition, or disability, that makes wearing a fitted face covering unsuitable, and
  - (b) carries evidence showing—
    - (i) that the person has the illness, condition or disability, and
    - (ii) the illness, condition or disability makes wearing a fitted face covering unsuitable, and

- (iii) the person's name and place of residence, and
  - (c) produces the evidence for inspection if requested to do so by a police officer.
- (2) Evidence for the purposes of subclause (1)(b)(i) and (ii) must be in the form of—
  - (a) a medical certificate or other written evidence signed by a registered health practitioner or a registered NDIS provider, or
  - (b) a statutory declaration by the person.

### **3.18 Other exceptions**

- (1) A person may remove a fitted face covering the person is otherwise required to wear if the person is—
  - (a) eating or drinking, or
  - (b) engaging in physical exercise, or
  - (c) communicating with a person who is deaf or hard of hearing, or
  - (d) engaging in work if—
    - (i) wearing the covering is a risk to the person's, or another person's, health and safety, or
    - (ii) enunciation or visibility of the person's mouth is essential, or
    - (iii) the work is in an indoor area and no other person is in the area, or
  - (e) requested to remove the covering as part of an identity check, or
  - (f) required to remove the covering—
    - (i) because of an emergency, or
    - (ii) for the proper provision of goods or a service, or
  - (g) in a vehicle and no other person is in the vehicle other than—
    - (i) a member of the person's household, or
    - (ii) the person's nominated visitor, or
  - (h) in a hotel, motel or other accommodation facility as a guest and is in the person's own room, or
  - (i) in a school as a student, or
  - (j) in a public hospital or private health facility as a patient, or
  - (k) in a residential aged care facility as a resident, or
  - (l) in a correctional centre or other place of custody, or
  - (m) in the process of getting married.
- (2) A person who removes the person's fitted face covering under this clause must resume wearing it as soon as practicable after the circumstance ends.

## **Division 6 Miscellaneous**

### **3.19 Working from home**

An employer must require an employee whose place of residence or usual place of work is in a stay at home area to work at the employee's place of residence unless it is not reasonably practicable to do so.

### **3.20 Singing indoors**

- (1) The occupier of premises in a stay at home area must not allow a person to sing in a part of the premises that is an indoor area.
- (2) This clause does not apply to the following—



- (a) a place of residence,
- (b) an educational establishment,
- (c) a performer who is performing or rehearsing,
- (d) a person who is engaged in instruction in singing.

### **3.21 Property inspections**

- (1) A person must not conduct an open inspection of premises in a stay at home area for the purposes of the sale or lease of real estate.
- (2) This clause does not prevent a person carrying out an inspection of premises if—
  - (a) the person has made an appointment to carry out the inspection, and
  - (b) no more than 1 person inspects the premises at any 1 time.

### **3.22 Auctions**

- (1) A person must not conduct an auction at premises in a stay at home area at which persons attend in person.
- (2) This clause does not apply to—
  - (a) an auction for food supply, or
  - (b) a livestock, fibre or crop auction.
- (3) Business premises that are auction houses may be open to the public for the purposes of an auction referred to in subclause (2).

## Part 4 COVID-19 Safety Plans

### 4.1 Introduction

This Part sets out directions of the Minister about COVID-19 Safety Plans.

### 4.2 Definitions

In this Part—

**approved COVID-19 safety checklist** for premises or an event means the COVID-19 safety checklist—

- (a) approved by the Chief Health Officer for the premises or event, and
- (b) published on the NSW Government website, and
- (c) as in force for the time being.

**COVID-19 Safety Plan**, for premises or an event, means a plan that addresses the matters required by the approved COVID-19 safety checklist specified in Schedule 4 for the premises or event.

**develop** a COVID-19 Safety Plan includes adopt an appropriate COVID-19 Safety Plan.

### 4.3 Plans must be complied with and kept and made available for inspection

A person who is required to develop a COVID-19 Safety Plan under this Part for premises or an event must—

- (a) comply with the plan, and
- (b) keep a copy of the plan—
  - (i) for premises—at the premises, or
  - (ii) for an event—at the premises at which the event is held during the event, and
- (c) make the plan available for inspection, if requested to do so, by—
  - (i) an authorised officer, or
  - (ii) a police officer.

### 4.4 Premises

- (1) The occupier of premises listed in Schedule 4 must develop a COVID-19 Safety Plan for the premises.
- (2) For premises that are a short-term rental or tourist and visitor accommodation on Lord Howe Island, the owner or operator of the premises is taken to be the occupier of the premises.

### 4.5 Events

- (1) The responsible person specified in clause 4.6 for the following events must develop a COVID-19 Safety Plan for the event—
  - (a) a significant event,
  - (b) an event that is a large residential gathering,
  - (c) an agricultural event,
  - (d) an event that is a religious service,
  - (e) a relevant sale or leasing event for real estate,
  - (f) an event that is a controlled outdoor public gathering.

- (2) A COVID-19 Safety Plan is not required for an event held at premises for which a COVID-19 Safety Plan is required under clause 4.4.

#### 4.6 Responsible person for an event

The responsible person is—

- (a) for a significant event—
  - (i) if held in an outdoor public place—the person organising the event or conducting the service, or
  - (ii) otherwise—the occupier of the premises at which the event is held, or
- (b) for an event that is a large residential gathering—
  - (i) if held at premises being used for the purpose of a holiday home or a short-term rental—the occupier of the premises, or
  - (ii) otherwise—each member of the household who is over 18 years of age, or
- (c) for an agricultural event—
  - (i) if conducted by or on behalf of an entity registered under the *Associations Incorporation Act 2009*—the public officer of the entity, or
  - (ii) if conducted by or on behalf of another entity—the chief executive of the entity, however described, or
  - (iii) otherwise—the person who made the arrangements for the event, or
- (d) for an event that is a religious service—the person principally responsible for organising the event, or
- (e) for a relevant sale or leasing event for real estate—the real estate agent conducting the event, or
- (f) for an event that is a controlled outdoor public gathering—the person principally responsible for organising the event.

#### 4.7 COVID-19 safe outdoor public gatherings

The person principally responsible for organising an event that is an outdoor public gathering may elect to make the event a **COVID-19 safe outdoor public gathering** by—

- (a) developing a COVID-19 Safety Plan for the event, and
- (b) complying with the plan, and
- (c) keeping a copy of the plan at the premises at which the event is held during the event, and
- (d) making the plan available for inspection, if requested to do so, by—
  - (i) an authorised officer, or
  - (ii) a police officer.

## Part 5 COVID Safe Check-in

### 5.1 Introduction

This Part sets out directions of the Minister about—

- (a) COVID-19 Safe check-ins, and
- (b) information obtained as a result of check-ins.

### 5.2 Certain events taking place in outdoor public place or residential premises

- (1) Where 1 of the following events is taking place at premises that is an outdoor public place, the person who is required to develop a COVID-19 Safety Plan for the event under Part 4, is taken to be the occupier of the premises for the purposes of this Part—
  - (a) a significant event,
  - (b) an agricultural event,
  - (c) an event that is a religious service.
- (2) For an event that is a large residential gathering, the person who is required to develop a COVID-19 Safety Plan for the event under Part 4, is taken to be the occupier of the premises for the purposes of this Part.

### 5.3 How contact details are to be registered

- (1) This clause applies to a person who enters premises specified in Schedule 5, subject to the exceptions in the Schedule.
- (2) The person must ensure the person's contact details are registered electronically when the person enters the premises—
  - (a) by using the person's phone to register the details with Service NSW, or
  - (b) by having another person use a phone to register the details with Service NSW on the person's behalf if the person is not able to use the person's phone to register the details with Service NSW, or
  - (c) by providing the details to the occupier of the premises if—
    - (i) it is not possible to register the person's details under paragraph (a) or (b), or
    - (ii) it would be unsafe to use a phone on the premises because of the nature of the premises.

**Example—** If using a phone would be inconsistent with the work health and safety requirements at the premises.

**Note—** The occupier of premises may refuse entry to a person who fails to comply with this direction.

- (3) The occupier of the premises must take reasonable steps to ensure a person complies with this clause when entering the premises.
- (4) If the premises are a vehicle, the registered operator of the vehicle must ensure that the vehicle is not used as a taxi or hire vehicle unless—
  - (a) the vehicle is registered with Service NSW, and
  - (b) provision is made to enable passengers, when entering the vehicle, to register contact details using a phone in accordance with this clause.
- (5) A person is not required to register the person's contact details when entering premises contained within and only accessible through other premises (the *main premises*) unless—
  - (a) the premises being entered are—

- (i) a gym, or
  - (ii) an entertainment facility, or
  - (iii) a hospitality venue, or
  - (iv) a nightclub, or
  - (v) retail premises, or
  - (b) the person was not required to register the person's contact details in accordance with this clause when entering the main premises.
- (6) In this clause—  
*phone* includes a device.  
*registered operator* has the same meaning as in the *Road Transport Act 2013*.

#### **5.4 Record keeping by occupiers concerning contact details**

- (1) This clause applies to the occupier of premises if a person's contact details are provided to the occupier under clause 5.3(2) rather than Service NSW.
- (2) The occupier must—
  - (a) keep, for at least 4 weeks, a record of the contact details in a way that ensures the record is readily accessible and in an appropriate form to provide to the Chief Health Officer under paragraph (b), and
  - (b) on request, provide the record, in electronic form, to the Chief Health Officer as soon as practicable, but no later than 4 hours, after the request is made, and
  - (c) ensure that a person is—
    - (i) responsible for requiring contact details to be provided in accordance with this clause, and
    - (ii) authorised to provide records to the Chief Health Officer under paragraph (b).

#### **5.5 Use and disclosure of information**

To avoid any doubt, it is directed that contact details provided under clause 5.3 are to be used or disclosed only for the purposes of contact tracing during the COVID-19 pandemic.

## Part 6 Other directions

### Division 1 Preliminary

#### 6.1 Introduction

This Part sets out other directions of the Minister.

### Division 2 Information

#### 6.2 Answering questions from contact tracers

- (1) A person must answer questions or provide other information about the person's movements if requested to do so by an authorised contact tracer.
- (2) A person must provide the person's contact details if requested to do so by an authorised contact tracer.
- (3) In this clause—  
*contact details*, of a person, means—
  - (a) the person's name, and
  - (b) the person's telephone number or email address.

#### 6.3 Carrying and producing vaccination and household evidence

- (1) A person who would be in breach of a provision of this order in certain circumstances if the person were not a fully vaccinated person, must in the circumstances—
  - (a) carry vaccination evidence for the person, and
  - (b) produce the evidence if requested to do so by a police officer or authorised officer.  
**Note—** See the *Public Health (COVID-19 Self Isolation) Order (No 3) 2021*, clause 19A for other circumstances in which a person is taken to be a fully vaccinated person and the evidence that the person must carry and produce.
- (2) A person who would be in breach of a provision of this order in certain circumstances if the person were not a member of the same household as another person, must in the circumstances—
  - (a) carry evidence of the person's name and place of residence, and
  - (b) produce the evidence if requested to do so by a police officer or authorised officer.

#### 6.4 Information provided under Order must be true and accurate

- (1) A person must ensure information is true and accurate if it is provided under this Order—
  - (a) in response to a request, or
  - (b) to Service NSW, or
  - (c) to an authorised contact tracer.
- (2) A person must ensure evidence is true and accurate if it is produced in response to a request under this Order.

#### 6.5 Information exchange

- (1) A government sector agency or a NSW Minister (the *first agency*) is authorised to collect or use information from, or disclose information to, a related agency if the

first agency considers it necessary to do so for the purposes of protecting the health or welfare of members of the public during the COVID-19 pandemic.

- (2) In this clause—
- government sector agency** has the same meaning as in the *Government Sector Employment Act 2013*.
- information** includes personal information or health information.
- NSW Minister** means a Minister of the State.
- related agency** means—
- (a) a government sector agency or NSW Minister, or
  - (b) an agency or Minister of the Commonwealth or another State or Territory.

### **Division 3 Other directions**

#### **6.5A Entering or leaving Greater Sydney**

- (1) A person must not enter or leave Greater Sydney without a reasonable excuse.
- Note—** See clause 6.6 concerning taking holidays or undertaking recreation in Greater Sydney or outside Greater Sydney.
- (2) A reasonable excuse includes the following—
- (a) entering or leaving to go to the person's place of residence, or
  - (b) doing an activity specified in Schedule 2, other than clauses 9, 10 and 20–23,
  - (c) obtaining goods or services if the goods or services—
    - (i) are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
    - (ii) for a person entering Greater Sydney—the goods or services, or equivalent goods or services, are not reasonably available outside Greater Sydney, and
    - (iii) for a person leaving Greater Sydney—the goods or services, or equivalent goods or services, are not reasonably available in Greater Sydney,
  - (d) attending a significant event held in accordance with this Order.
- (3) This clause is repealed at the beginning of 1 November 2021.

#### **6.6 Taking holidays or undertaking recreation**

- (1) An unvaccinated adult must not take a holiday or undertake recreation outside the local government area in which the adult resides.
- (2) A person who resides in Greater Sydney must not take a holiday or undertake recreation outside Greater Sydney.
- (3) A person who resides outside Greater Sydney must not take a holiday or undertake recreation in Greater Sydney.
- (3) Subclauses (2) and (3) and this subclause are repealed at the beginning of 1 November 2021.

#### **6.7 Residential aged care facilities**

- (1) The operator of a residential aged care facility is directed to consider the advice of the Chief Health Officer in relation to the following matters—
  - (a) the management of visitors to the premises of the facility,
  - (b) the screening of staff and visitors before entering the premises of the facility,

- (c) the conduct of group recreational or other activities for residents of the facility,
  - (d) the wearing of fitted face coverings by staff and visitors,
  - (e) vaccinations against influenza or COVID-19 for staff, visitors and residents.
- (2) In this clause—  
**operator** of a residential aged care facility means the person who owns, controls or operates the facility.

### 6.8 Spitting or coughing on public official or other worker

- (1) A person must not intentionally spit at or cough on any of the following persons in a way that would reasonably be likely to cause fear about the spread of COVID-19—
- (a) a public official,
  - (b) another worker while the worker is—
    - (i) at the worker’s place of work, or
    - (ii) travelling to or from the place of work.
- (2) If the worker’s place of work is the worker’s residential premises, the place of work does not, for the purposes of this clause, include a part of the premises used solely for residential purposes.
- (3) Without limiting subclause (1)(b), a worker includes the following—
- (a) a retail worker,
  - (b) a person who works at an airport,
  - (c) a person who works for an electricity, gas, water or other utility company,
  - (d) a person who works in the transport industry or a transport-related industry,
  - (e) a member of the Australian Defence Force.

**Example—** Examples of public officials and workers include hospital staff, bus drivers, train drivers, ferry deckhands, taxi drivers, ride share drivers, food delivery workers, security guards, electricity, gas and water meter readers and postal delivery staff, including persons working for an entity under a contract, directly or indirectly, on behalf of the NSW Government.

- (4) In this clause—  
**health worker** means—
- (a) a person employed in the NSW Health Service within the meaning of the *Health Services Act 1997*, or
  - (b) a person engaged by the Health Administration Corporation, within the meaning of the *Health Administration Act 1982*, to enable the Corporation to exercise its functions, or
  - (c) a person engaged by a public health organisation, within the meaning of the *Health Services Act 1997*, to enable the organisation to exercise its functions, or
  - (d) a member of staff of a licensed private health facility within the meaning of the *Private Health Facilities Act 2007*, or
  - (e) a registered health practitioner, or
  - (f) a person who works in a pharmacy or on other premises at which a registered health practitioner routinely practises the practitioner’s profession, or
  - (g) a member of staff of St John Ambulance Australia (NSW), or
  - (h) a member of staff of the Royal Flying Doctor Service of Australia (NSW Section).

**public official** means—



- (a) a health worker, or
- (b) a police officer within the meaning of the *Police Act 1990*, or
- (c) another person exercising public functions under a law of New South Wales,  
or
- (d) an Immigration and Border Protection worker within the meaning of the *Australian Border Force Act 2015* of the Commonwealth, or
- (e) a person employed or otherwise engaged by the Commonwealth Department of Health.

## Part 7 Miscellaneous

### 7.1 Exemptions

- (1) The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order or specified provisions of this Order.
- (2) The Minister may not grant an exemption to clause 5.5.

### 7.2 Repeals

The following are repealed on the commencement of this Order—

- (a) *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021*,
- (b) *Public Health (COVID-19 Safety) Order 2021*,
- (c) *Public Health (COVID-19 Spitting and Coughing) Order (No 3) 2021*.

### 7.3 Savings

- (1) An act, matter or thing that, immediately before the repeal of a repealed Order, had effect under that Order continues to have effect under this Order.
- (2) Without limiting subclause (1)—
  - (a) a requirement for a person to keep a record of a person's name and contact details having effect immediately before the commencement of this Order under a provision of a repealed Order continues under this Order as if the provision remained in force, and
  - (b) an exemption granted by the Minister under a repealed Order and in force immediately before the commencement of this Order continues as if it were granted under this Order, and
  - (c) a delegation in force immediately before commencement of this Order given for a provision of a repealed Order continues to have effect for the corresponding provision of this Order.
- (3) In this clause—  
***repealed Order*** means an Order repealed by clause 7.2.

## **Schedule 1 (Repealed)**

## Schedule 2 Reasonable excuses for stay at home areas

clause 3.2

**Note—** This Schedule sets out reasonable excuses to be away from a person's place of residence. It does not authorise the person to enter premises that the person would otherwise be prohibited from entering under this Order.

### 1 Part applies to stay at home areas

The reasonable excuses set out in this Part are reasonable excuses for a stay at home area.

### 2 Work

A person may leave the person's place of residence for work if it is not reasonably practicable for the person to work at the place of residence.

**Note—** A person may require additional authorisation to work at other premises.

### 3 Childcare

A person may leave the person's place of residence to—

- (a) attend childcare, or
- (b) pick up or drop off a person at childcare.

### 4 Schools and educational institutions

A person may leave the person's place of residence to attend a school or other educational institution if the person cannot learn from the place of residence.

### 5 Medical and donating blood

A person may leave the person's place of residence to—

- (a) obtain medical care, including obtaining a COVID-19 test or vaccination, or
- (b) obtain medical or health supplies, or
- (c) donate blood.

### 6 Carers and care and assistance to vulnerable persons

A person may leave the person's place of residence to—

- (a) fulfil carer's responsibilities, or
- (b) provide care or assistance to a vulnerable person.

### 7 Compassionate grounds

A person may leave the person's place of residence—

- (a) for compassionate reasons, or
- (b) to accompany another person, whom the person is visiting for compassionate reasons, when the other person is undertaking exercise or outdoor recreation authorised by this Order.

### 8 Contact arrangements

A person may leave the person's place of residence for family contact arrangements.

**9 Social bubble at place of residence—persons 18 years of age or under**

A person who is a member of a nominated social bubble may leave the person's place of residence to visit the place of residence of another member of the nominated social bubble for recreation or study.

**10 Nominated visitors**

A nominated visitor of a person may leave the nominated visitor's place of residence—

- (a) to visit the person as authorised by this Order, or
- (b) to accompany the person when the person is undertaking exercise or outdoor recreation authorised by this Order.

**11 Emergencies and risks to person**

A person may leave the person's place of residence—

- (a) to provide emergency assistance to a person, or
- (b) in an emergency, or
- (c) to avoid illness, injury or risk of harm.

**12 Animal welfare**

A person may leave the person's place of residence to feed an animal or for animal welfare.

**13 Legal obligations**

A person may leave the person's place of residence to fulfil legal obligations.

**14 Public services**

A person may leave the person's place of residence to access public services, whether provided by Government, a private provider or a non-Government organisation, including—

- (a) social services, and
- (b) employment services, and
- (c) domestic violence services, and
- (d) mental health services, and
- (e) services provided to victims, including as victims of crime.

**15 Moving home or inspecting property**

A person may leave the person's place of residence to—

- (a) move to a new place of residence, or
- (b) inspect real property, or
- (c) move between places of residence of the person.

**16 Transportation of household members**

A person may leave the person's place of residence if reasonably necessary to transport a member of the person's household who is authorised to leave the place of residence under this Schedule.

**Example—** Driving children to a school.

### 17 Temporary accommodation

A person may leave the person's place of residence that is temporary accommodation if—

- (a) the period of the booking of the temporary accommodation expires, and
- (b) the person goes directly to the person's new place of residence, which may be other temporary accommodation.

### 18 Business relocation

A person may leave the person's place of residence to supervise or facilitate a business moving to new premises.

### 19 Religious functions

A person who is a priest, minister of religion or member of a religious order may leave the person's place or residence to—

- (a) go to the person's place of worship, or
- (b) provide pastoral care.

### 20 Obtaining goods and services

- (1) A person may leave the person's place of residence to obtain goods or services if the goods or services—
  - (a) are for the personal needs of the person's household or for other household purposes, including for vulnerable persons or pets, and
  - (b) are obtained locally, unless the goods or services, or equivalent goods or services, are not reasonably available locally.

**Note—** Browsing in a shop is not authorised by this clause.

- (2) Unless it is not reasonably practicable, a person must not leave the person's place of residence under this clause if a member of the person's household, including the person, has already left the place of residence on that day to obtain goods or services.

**Example—** A person would be permitted to be accompanied by a dependant if it were not reasonably practicable for the dependant to remain at home.

- (3) A person who is over 16 years of age who leaves the person's place of residence under this clause must—
  - (a) carry evidence showing the person's name and place of residence, and
  - (b) produce the evidence if requested to do so by a police officer.

- (4) In this clause—

**locally** means—

- (a) within the local government area in which the person resides, or
- (b) if within another local government area—no further than 5 kilometres from the person's place of residence.

### 21 Exercise or outdoor recreation

- (1) A person may leave the person's place of residence to undertake exercise or outdoor recreation if it is undertaken—
  - (a) within the local government area in which the person resides, or
  - (b) if within another local government area—no further than 5 kilometres from the place of residence.

**Example—** This applies to leisure activities, including fishing.

- (2) A person who is over 16 years of age who leaves the person's place of residence under this clause must—
  - (a) carry evidence showing the person's name and place of residence, and
  - (b) produce the evidence if requested to do so by a police officer.

**22 Wedding service**

- (1) A person may leave the person's place of residence to attend a wedding service, but only if there are no more than the maximum number of persons permitted by this Order at the service.
- (2) Despite subclause (1), a person must not leave the person's place of residence to attend a wedding service in the general area unless the person is the parent, child or sibling of 1 of the persons getting married.
- (3) This clause does not allow a person who resides in Greater Sydney to attend a wedding service held outside Greater Sydney.

**23 Funeral or memorial service**

- (1) A person may leave the person's place of residence to attend a funeral or memorial service, but only if there are no more than the maximum number of persons permitted by this Order at the service.
- (2) Despite subclause (1), a person must not leave the person's place of residence to attend a funeral or memorial service in the general area unless the person is the spouse, de facto partner, parent, child or sibling of the deceased person.

## Schedule 3 Exempted gatherings

clauses 2.3, 2.12, 3.8, 3.14 and 4.7

- 1 A gathering at the following premises that is necessary for the normal operation of the premises—
  - (a) an airport,
  - (b) a hospital or other medical or health facility,
  - (c) a disability or aged care facility,
  - (d) a court or tribunal,
  - (e) the Parliament,
  - (f) a supermarket, market that predominantly sells food, grocery store or shopping centre, but not a retail store in a shopping centre other than a supermarket, market that predominantly sells food or grocery store,
  - (g) a farm,
  - (h) a commercial fishing operation,
  - (i) a mine,
  - (j) a commercial vessel, but not a vessel providing tours or hosting functions,
  - (k) a school, university or other educational institution, but not a gathering for a school event that involves members of the community in addition to staff and students,
  - (l) a child care facility,
  - (m) a hotel, motel or other accommodation facility
- 2 A gathering for the purposes of or related to transportation, including in vehicles or at truck stops, stations, platforms or stops or other public transportation facilities, but not a gathering on a vehicle being used as a party bus
- 3 A gathering for the purposes of emergency services, including the provision of training by an emergency service
- 4 A gathering at a prison, correctional facility, youth justice centre or other place of custody
- 5 A gathering at an outdoor space for the purposes of transiting through the place  
**Example—** Pitt Street Mall.
- 6 A gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons
- 7 A gathering at premises that is necessary to provide the services of an early education and care facility



## Schedule 4 COVID-19 Safety Plans

clause 4.4

Column 1	Column 2	Column 3
Item	Premises or event	Approved COVID-19 safety checklist
1	Agricultural events	Major recreation facilities
2	Amusement centres	Entertainment facilities
3	Aquariums	Information and education facilities
4	Auctions, open houses or other inspections or viewings of real property for sale or lease	Retail and auctions
5	Business premises that are used for auction houses, other than clearing houses	Retail and auctions
6	Business premises that are used for betting agencies	Retail and auctions
7	Business premises that are used for hairdressers, nail salons, beauty salons, waxing salons, tanning salons, spas, tattoo parlours and massage parlours	Beauty and other services
8	Caravan parks and camping grounds	Accommodation
9	Casinos	Hospitality
10	Community centres	Gyms and indoor recreation
11	COVID-19 safe outdoor public gatherings	Outdoor events
12	Construction sites in Greater Sydney	Construction sites in Greater Sydney
13	Controlled outdoor public gatherings	Outdoor events
14	Crematoria	General
15	Drive-in cinemas	Entertainment facilities
16	Entertainment facilities	Entertainment facilities
17	Food and drink premises	Hospitality
18	Food courts	Hospitality
19	Function centres	Hospitality
20	Funeral homes	General
21	Funerals and memorial services and gatherings after funerals and memorial services	Significant events
22	Information and education facilities	Information and education facilities
23	Large residential gathering	Significant events
24	Markets	Retail and auctions
25	Micro-breweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> or cellar door premises	Hospitality
26	Nightclubs	Hospitality
27	Party buses	Hospitality

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item</b>	<b>Premises or event</b>	<b>Approved COVID-19 safety checklist</b>
28	Places of public worship and religious services on other premises	Places of worship
29	Properties operated by the National Trust or the Historic Houses Trust	Information and education facilities
30	Public swimming pools, other than natural swimming pools— (a) in the general area, or (b) in a stay at home area	Gyms and indoor recreation Outdoor swimming pools in stay at home areas
31	Pubs, small bars and registered clubs	Hospitality
32	Recreation facilities (indoor)	Gyms and indoor recreation
33	Recreation facilities (major)	Major recreation facilities
34	Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises	Beauty and other services
35	Sex services premises	Beauty and other services
36	Short-term rental or tourist and visitor accommodation on Lord Howe Island	Hotels and accommodation on Lord Howe Island
37	Strip clubs	Hospitality
38	Vessels used for hosting functions or for commercial tours	Hospitality
39	Wedding services and gatherings after wedding services	Significant events
40	Zoological parks and reptile parks	Information and education facilities

## Schedule 5 COVID-19 Safe Check-ins

clause 5.3

### Part 1 Premises

- 1 Amusement centres
- 2 Aquariums
- 3 Business premises, being premises at which—
  - (a) an occupation, profession or trade is carried on for the provision of services directly to members of the public on a regular basis, or
  - (b) a service is provided directly to members of the public on a regular basis
- 4 Construction sites
- 5 Crematoria
- 6 Drive-in cinemas
- 7 Early education and care facilities, but not a child entering a facility for the purposes of being cared for at the facility
- 8 Entertainment facilities
- 9 Function centres
- 10 Hospitality venues
- 11 Hospitals, but not a hospital that has an electronic entry recording system that records sufficient information about persons entering the hospital to enable contact tracing to occur
- 12 Hotels or motels or other accommodation facilities, but not for a person who—
  - (a) has checked in and is staying overnight, or
  - (b) is a resident
- 13 Industrial premises, being premises used for the—
  - (a) manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with the activity, or
  - (b) handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes
- 14 Information and education facilities
- 15 Nightclubs
- 16 Office premises, being premises used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis

- 17 Parliament House
- 18 Party buses
- 19 Places of public worship
- 20 Properties operated by the National Trust or the Historic Houses Trust
- 21 Public swimming pools, other than a natural swimming pool
- 22 Recreation facilities (indoor)
- 23 Recreation facilities (major)
- 24 Residential care facilities or hostels, but not residents
- 25 Retail premises, being premises used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials or whether also sold by wholesale
- 26 School, university or other educational institution, but not a student of a school entering the school
- 27 Sex on premises venues, being restricted premises where sex between patrons is permitted on the premises
- 28 Sex services premises
- 29 Shopping centres
- 30 Storage premises
- 31 Strip clubs
- 32 Vehicles being used as taxis or hire vehicles
- 33 Vessels used for hosting functions or for commercial tours
- 34 Warehouse or distribution centres
- 35 Zoological parks and reptile parks

**Part 2 Premises at which the following events are being held**

- 36 a significant event
- 37 a large residential gathering
- 38 Agricultural events
- 39 Religious services and gatherings after religious services
- 40 Controlled outdoor public gatherings
- 41 COVID-19 safe outdoor public gatherings

### **Part 3 General exceptions**

- 42** The following persons are not required to provide contact details when entering premises specified in this Schedule—
- (a) a person entering the premises in response to an emergency
  - (b) a person entering premises in a vehicle if the person does not exit the vehicle while on the premises
  - (c) a person entering the premises if the person is under 18 years of age and it is not possible to register the person's details under clause 5.3 of this Order
  - (d) a person exercising law enforcement, intelligence or national security functions on behalf of a government agency of New South Wales or the Commonwealth
  - (e) a person entering any health or medical facility, other than a pharmacy, as a patient
- 43** Despite the other provisions of this Schedule, the following premises are not premises specified in this Schedule—
- (a) mines
  - (b) premises used by a government agency of New South Wales or the Commonwealth having law enforcement, intelligence or national security functions
  - (c) farms

## Schedule 6 Dictionary

clause 1.4

**agricultural event** means—

- (a) an agricultural field day conducted by a member of the Association of Agricultural Field Days of Australasia, or
- (b) an agricultural show or show parade conducted by a society or association that is a member of the Agricultural Societies Council of NSW Ltd.

**approved COVID-19 safety checklist**, for Part 4—see clause 4.2.

**Australian Immunisation Register** means the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* of the Commonwealth.

**authorised contact tracer** means a person engaged by NSW Health whose duties include—

- (a) identifying persons who may have come into contact with a person with COVID-19, or
- (b) notifying a person that the person has been identified as a close contact, being a person—
  - (i) likely to have come into contact with a person with COVID-19, and
  - (ii) at risk of developing COVID-19.

**click and collect service** means a service providing for goods purchased online or by phone to be collected from premises and includes similar services for returning or exchanging goods.

**common property** means—

- (a) common property within the meaning of the *Strata Schemes Development Act 2015*, or
- (b) association property within the meaning of the *Community Land Development Act 1989*, or
- (c) in relation to premises under company title, a part of the premises—
  - (i) used as common property by the residents of the premises, or
  - (ii) that no person has an exclusive right to occupy.

**compassionate reasons** includes where 2 persons are in a relationship but do not necessarily live together.

**construction site** means a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure, or at which civil works are being carried out, but not work carried out in relation to a dwelling in which a person is residing.

**contact details**, for a person visiting or entering premises, means—

- (a) the person's name, and
- (b) the person's telephone number or email address, and
- (c) the time at which the person entered the premises.

**controlled outdoor public gathering** means an outdoor public gathering, other than a gathering referred to in Schedule 3, in an area—

- (a) that is enclosed or bounded by fencing or another form of barrier, and
- (b) access to which is controlled by way of a ticket, and
- (c) in relation to which all persons, other than persons engaged in work, are assigned to specific seats or to a seating area.

**correctional centre** has the same meaning as in the *Crimes (Administration of Sentences) Act 1999*, and includes a detention centre within the meaning of the *Children (Detention Centres) Act 1987*.

**COVID-19 safe outdoor public gathering**—see clause 4.7.

**COVID-19 Safety Plan**, for Part 4—see clause 4.2.

**critical retail premises** means the following—

- (a) chemists and pharmacies,
- (b) garden centres and plant nurseries,
- (c) hardware and building supplies,
- (d) kiosks,
- (e) landscaping material supplies,
- (f) rural supplies,
- (g) shops that predominantly sell food or drinks,  
**Example—** This includes butchers, bakeries, fruit shops and delicatessens, but does not include restaurants or cafes.
- (h) shops that predominantly carry out repairs of mobile phones,
- (i) shops that predominantly sell any of the following in the course of the normal operation of the shop—
  - (i) office supplies,
  - (ii) pet supplies,
  - (iii) newspapers, magazines or stationery,
  - (iv) alcohol,
  - (v) maternity or baby supplies,
  - (vi) medical or pharmaceutical supplies.
- (j) supermarkets and grocery shops, including neighbourhood supermarkets and neighbourhood shops,
- (k) timber yards,
- (l) vehicle hire premises but not the premises at which vehicles are sold.

*develop*, for Part 4—see clause 4.2.

**domestic commercial aircraft** means an aircraft being used to transport passengers on a commercial basis—

- (a) to or from an airport in New South Wales, and
- (b) only within Australia.

**event** includes a function.

**family contact arrangements** means, for a person under 18 years of age who does not live in the same household as a parent or sibling of the person—arrangements to give effect to new or existing arrangements for access to, and contact between, parents and children or siblings.

**fitted face covering** means a mask or other covering that—

- (a) fits securely around the face, and
- (b) is designed or made to be worn over the nose and mouth to provide the wearer with protection against infection.

**fully vaccinated person** means a person who—

- (a) has had 2 doses of a COVID-19 vaccine, or
- (b) has a medical contraindication certificate issued to the person, or
- (c) has a medical contraindication recorded on the Australian Immunisation Register that prevents the person from receiving a COVID-19 vaccine.

**Note—** See the *Public Health (COVID-19 Self Isolation) Order (No 3) 2021*, clause 19A for other circumstances in which a person is taken to be a fully vaccinated person.

**general area** means the area of the State excluding all stay at home areas.

**goods** includes food.

**Greater Sydney** means the following—

- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*,
- (b) the Central Coast local government area,
- (c) the City of Shellharbour local government area,
- (d) the City of Wollongong local government area.

**gym** means a gym that is a recreation facility (indoor) and that is open to members of the public, but does not include a dance, yoga, pilates, gymnastics or martial arts studio.

**hire vehicle** has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

**hospitality venue** means the following—

- (a) a casino,
- (b) food and drink premises,
- (c) a micro-brewery or small distillery holding a drink on-premises authorisation under the *Liquor Act 2007*,
- (d) cellar door premises,
- (e) a pub,
- (f) a registered club,
- (g) a small bar.

**household** means persons living together in the same place of residence.

**indoor area** includes an area in a building or other structure, whether or not temporary, which has a roof, ceiling or other top covering, but does not include an area with at least 2 sides open to the weather.

**large residential gathering** means a gathering—

- (a) at a place of residence, including premises being used for the purposes of a holiday home or a short-term rental, and
- (b) at which there are more than 100 persons, not including members of the household, at any 1 time.

**local government area** means—

- (a) for land on Lord Howe Island—Lord Howe Island, and
- (b) for land in the Western Division within the meaning of the *Crown Land Management Act 2016*—the Western Division.

**medical contraindication certificate** means a certificate issued by a medical practitioner—

- (a) in a form approved by the Chief Health Officer, and
- (b) certifying that because of a specified medical contraindication, the person to whom the certificate has been issued cannot have a COVID-19 vaccine.

**natural swimming pool** means a swimming pool that only contains untreated water that is supplied directly to the pool from the ocean or other natural water source and that does not have a circulation system.

**nightclub** means premises that are the subject of an on-premises licence in force under the *Liquor Act 2007* that relates to a public entertainment venue, other than a cinema or theatre.

**nominated social bubble** means a nominated social bubble formed under clause 3.13.

**nominated visitor** means a person nominated as a nominated visitor under clause 3.12.

**occupier of premises** includes the operator of a vehicle or vessel.

**parent**, in relation to a child, includes a person who is not a parent of the child, but who has parental responsibility for, or care of, the child.



**party bus** means a vehicle being used on a commercial basis for the purposes of a party, whether or not the party takes place during transportation between locations.

**place of residence** includes, for a person staying in temporary accommodation, the temporary accommodation.

**prescribed work** means the following—

- (a) cleaning,
- (b) repairs and maintenance,
- (c) alterations and additions to buildings,
- (d) work carried out as part of a trade, including electrical work or plumbing.

**private health facility** has the same meaning as in the *Private Health Facilities Act 2007*.

**public gathering** means a meeting or assembly of persons for a common purpose, including an organised or planned event, in a public place, whether ticketed or not.

**public hospital** has the same meaning as in the *Health Services Act 1997*.

**public place** has the same meaning as in the *Summary Offences Act 1988*.

**public transport service** includes a taxi service, rideshare service, passenger service and community transport service.

**public transport waiting area** means the following—

- (a) a station, including the platform, of a passenger railway or light rail,
- (b) a ferry wharf,
- (c) a bus stop or light rail stop, including any area where persons queue or gather when waiting at the stop,
- (d) a taxi rank, including any area where persons queue or gather when waiting at a taxi rank.

**real estate agent** has the same meaning as in the *Property and Stock Agents Act 2002*.

**registered NDIS provider** means a registered NDIS provider within the meaning of the *National Disability Insurance Scheme Act 2013* of the Commonwealth.

**relevant sale or leasing event** for real estate means—

- (a) an auction of real estate, or
- (b) an open house, or other inspection or viewing of real estate.

**reside** includes stay in temporary accommodation.

**residential aged care facility** means a facility at which the following services are provided to a person in relation to whom a residential care subsidy or flexible care subsidy is payable under the *Aged Care Act 1997* of the Commonwealth—

- (a) accommodation,
- (b) personal care or nursing care.

**sell** includes display for sale.

**short-term rental** means premises to which a short-term rental accommodation arrangement, as defined in the *Fair Trading Act 1987*, section 54A, applies.

**significant event** means—

- (a) a funeral or memorial service, or
- (b) a wedding service, or
- (c) a gathering following a funeral or memorial service or wedding service.

**small funeral or memorial service** means a funeral or memorial service, including a gathering following a funeral or memorial service, at which there are no more than 10 persons, excluding the person conducting the service and any other person necessary for the conduct and preparation of the service.

**small wedding service** means a wedding service, but not a gathering after a wedding service, at which there are no more than 5 persons, excluding—

- (a) the persons legally necessary for the conduct of the service, and

**Examples—** The persons getting married, the person marrying them and the witnesses.

- (b) 1 person to record the service.

**standard instrument**—see clause 1.5.

**stay at home area** means an area of the State identified as a stay at home area by a stay at home notice.

**stay at home notice** means a notice under clause 1.8 as in force from time to time.

**taxi** has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

**temporary accommodation** includes hotel or motel accommodation or a short-term rental.

**the Act** means the *Public Health Act 2010*.

**unvaccinated adult** means a person who—

- (a) is over 16 years of age, and  
(b) is not a fully vaccinated person.

**vaccination evidence** for a person means—

- (a) evidence from the Australian Immunisation Register that the person—  
(i) has had 2 doses of a COVID-19 vaccine, or  
(ii) has a medical contraindication that prevents the person from receiving a COVID-19 vaccine, or

**Example—** An online immunisation history statement, a COVID-19 digital certificate from the Australian Immunisation Register or information displayed on the Service NSW mobile phone application.

- (b) a medical contraindication certificate issued to the person.

**vehicle** does not include an aircraft.

**work** includes work done as a volunteer or for a charitable organisation.

**Note—** Clause 1.4 of this Order provides that a reference to a type of premises in this Order has the same meaning as it has in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*. The standard instrument includes the following definitions of certain premises—

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing—

- (a) billiards, pool or other like games, or  
(b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

**business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or  
(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

**Note—** Cellar door premises are a type of **retail premises**.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following—

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care.

**educational establishment** means a building or place used for education (including teaching), being—

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

**Note—** Food and drink premises are a type of **retail premises**.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

**Note—** Garden centres are a type of **retail premises**.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

**Note—** Hardware and building supplies are a type of **retail premises**.

**home-based child care** means a family day care residence (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

**Note—** Kiosks are a type of **retail premises**.

**landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

**Note—** Landscaping material supplies are a type of **retail premises**.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

**Note—** Markets are a type of **retail premises**.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people

who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

**Note—** Neighbourhood shops are a type of **shop**.

**neighbourhood supermarket** means premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area.

**Note—** Neighbourhood supermarkets are a type of **shop**.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note—** Plant nurseries are a type of **retail premises**.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

**Note—** Pubs are a type of **food and drink premises**.

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

**Note—** Restaurants or cafes are a type of **food and drink premises**.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) cellar door premises,
- (b) food and drink premises,
- (c) garden centres,
- (d) hardware and building supplies,
- (e) kiosks,
- (f) landscaping material supplies,
- (g) markets,
- (h) plant nurseries,
- (i) roadside stalls,
- (j) rural supplies,
- (k) shops,
- (l) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**rural supplies** means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

**Note—** Rural supplies are a type of **retail premises**.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

**Note—** Schools are a type of **educational establishment**.

**school-based child care** means a building or place within a school that is used to provide out-of-school-hours care (including vacation care) for school children only.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**Note—** Shops are a type of **retail premises**.

**small bar** means a small bar within the meaning of the *Liquor Act 2007*.

**Note—** Small bars are a type of **food and drink premises**.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

**Note—** Take away food and drink premises are a type of **food and drink premises**.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

**Note—** Timber yards are a type of **retail premises**.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

**Note—** Vehicle sales or hire premises are a type of **retail premises**.